

#9 DAC

PTO/SB/61 (06-03)
Approved for use through 07/31/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

THS003

First Named Inventor: **Thomas W. Lynch**

Art Unit: **2152**

Application Number: **09/310,508**

Examiner: **Beatriz Prieto**

Filed: **May 12, 1999**

Title: **SYMBIOTIC COMPUTING SYSTEM AND METHOD OF OPERATION THEREFOR**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ 55 (37 CFR 1.17(i). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(i)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Corrected Response to First Office Action (identify the type of reply):

☒ has been filed previously on November 13, 2003

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

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JUL 30 2003

OFFICE OF PETITIONS

Adjustment date: 08/12/2003
07/29/2003 SLAHG1 00000051 09310508
01 FC:2452

07/29/2003 SLAHG1 00000051 09310508
01 FC:2452

55.00 OP

[Page 1 of]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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08/12/2003
Credit Card
09/0012423
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VISA.....

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

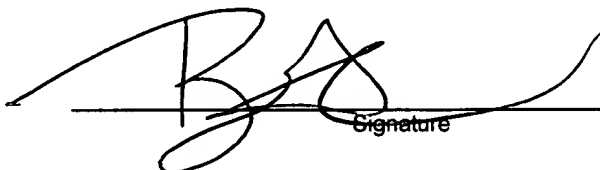
- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

July 23, 2003

Date


Signature

(512) 264-8816

Telephone Number

Bruce E. Garlick

Typed or printed name

36,520

Registration Number, if applicable

P.O. Box 160727

Address

Austin, TX 78716-0727

Address

- Enclosure ☒ Fee Payment
- ☒ Reply Copy of Reply and Auto-Reply Facsimile Transmission
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☒ Credit Card Payment form for the \$55 petition fee

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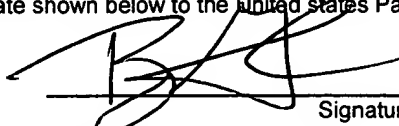
CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 23, 2003

Date


Signature

Bruce E. Garlick

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

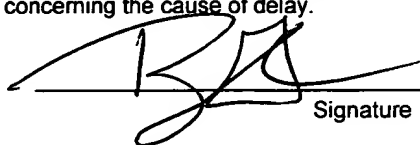
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

July 23, 2003

Date

36,520

Registration Number, if applicable



Signature

Bruce E. Garlick

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The Application was examined and a first Office Action on the merits was mailed May 24, 2002. A response was filed thereto on October 22, 2002 with a two-month extension. On October 31, 2002 a notice of Non-Compliant Amendment was mailed having a one month response period.

On November 13, 2002 a Corrected response was filed in response to the notice of Non-Compliant Amendment. The Corrected response was filed via Facsimile and was received by the Patent Office at 1:56:10 p.m. Eastern Standard Time on November 13, 2002. Attached hereto is a copy of the Corrected Response as Filed and in addition a copy of the Auto-Reply Facsimile Transmission evidencing receipt by the PTO.

Given that the Applicant timely responded to the October 31, 2002 notice, Applicant requests that the Application be removed from abandonment and that the examination process continue. Applicant further requests that the Petition Fee paid herewith be refunded.

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(Please attach additional sheets if additional space is needed.)

T0:Auto-reply fax to 512 2643735 COMPANY:



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PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 512 2643735

Fax Information

Date Received:

Total Pages:

11/13/02 1:56:10 PM [Eastern Standard Time]

13 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Cover
Page

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ATTORNEYS AT LAW
P.O. Box 160727
AUSTIN, TEXAS 78716-0727
TELEPHONE (512) 264-8816
FACSIMILE (512) 264-3735

◆ INTELLECTUAL PROPERTY AND TECHNOLOGY LAW ◆

November 13, 2002

FAX TRANSMISSION COVER SHEET

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JUL 30 2003

OFFICE OF PETITIONS

In the Application of:

Thomas W. Lynch

Serial No.: 09/310,508

Filed: May 12, 1999

For: SYMBIOTIC COMPUTING SYSTEM
AND METHOD OF OPERATION
THEREFOR

§ Group Art Unit: 2152

§

§ Examiner: Prieto, Beatriz

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CERTIFICATE OF FACSIMILE FILING

I hereby certify that this correspondence is being transmitted via Facsimile to Examiner Brian D. Nguyen at (703) 746-7239 on November 13, 2002.


Bruce E. Garlick

YOU SHOULD RECEIVE 13 PAGE(S) INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (512) 264-8816. OUR FACSIMILE NUMBER IS (512) 264-3735.

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>8/8/03</u>		2 Serial/Patent # <u>09/316,508</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
	Notice of Appeal/Appeal			\$						
<input checked="" type="checkbox"/>	Petition	9	7/28/03	\$ 55.00						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance			\$						
	Assignment			\$						
	Other			\$						
			7 TOTAL AMOUNT OF REFUND	\$ 55.00						
10 REASON:		8 TO BE REFUNDED BY:								
		<input checked="" type="checkbox"/> Treasury Check								
		Credit Deposit A/C #:								
		9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px; text-align: center;">--</td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>					--			
		--								
<input checked="" type="checkbox"/> No Fee Due (Explanation):										
1-137(a) petition treated under 37 CFR 1.181										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Patricia Faison-Ball</u>		TITLE: <u>Attorney</u>								
SIGNATURE: <u>Patricia Faison-Ball</u>		PHONE: <u>305 4497</u>								
OFFICE: <u>Petition</u>										
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APPROVED: <u>Alice Kelly</u>		DATE: <u>8/12/03</u>								

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